

### **REMARKS**

Claims 206, 208, 210, 212, 213, 215, 217, 219 and 220 are pending and under consideration. With this Amendment, claims 206, 210, 212, 213, 215, 217, 219 and 220 are being amended. With this Amendment, claims 170-205, 207, 209, 211, 214, 216, 218 and 221-224 are being canceled without prejudice against their reintroduction into this or one or more timely filed continuation, divisional or continuation-in-part applications.

Claim 206 has been rewritten in independent form. Support for the amendments can be found throughout the specification, for example at Table 2, page 85, and in canceled claim. Claims 209, 212, 213, 215, 217 and 219 have been amended to correct the claim dependency. Claim 213 has been amended to more particularly recite that the compound is one of the recited gapmers. Support for this amendment can be found throughout the specification, for example at page 85, Table 2. Claim 220 has been amended to correct a typographical error. Support for this amendment can be found throughout the specification, for example at page 84, lines 1-6. No new matter has been added by way of these amendments.

#### **Claim objections**

The Examiner has objected to claims 206-220 as being dependent upon a rejected base claim, and indicates that these claims would be allowable if rewritten in independent form.

Applicants have rewritten claim 206 in independent form and have corrected the dependencies of the dependent claims necessitated by the amendments made herein. Applicants respectfully submit that the pending claims are in allowable form and request a Notice of Allowance of all pending claims.

#### **Rejections under 35 U.S.C. § 112, 2<sup>nd</sup> Paragraph**

Claims 172 and 174 are rejected as allegedly being indefinite because each of these claims depends from a canceled claim. Claims 172 and 174 have been canceled by way of this amendment.

Applicants therefore submit that the rejection of claims 172 and 174 as indefinite under 35 U.S.C. § 112, second paragraph is rendered moot and request reconsideration of the rejection.

Rejections under 35 U.S.C. § 103(a)

Claims 170, 171, 173, 175-190, 192-205 and 221-224 have been rejected as allegedly being obvious over U.S. 6,310,044 to Draper *et al.* ("Draper"), U.S. 6,077,709 to Bennett *et al.* ("Bennett"), US Patent Publication No. 2003/0032794 to Koch *et al.* ("Koch") and Kurreck *et al.* (2002) *Nucleic Acids Res.* vol. 30(9):1911-1918 ("Kurreck").

Applicants have canceled claims 170, 171, 173, 175-190, 192-205 and 221-224 by way of this amendment. Accordingly, Applicants submit that the rejection of claims 170, 173, 200-201, 203, 205 and 221-224 as obvious under 35 U.S.C. §§103(a) is rendered moot and request reconsideration of the rejection.

The Examiner has rejected claims 170 and 175-201 as allegedly being obvious over U.S. 6,509,162 to Altieri *et al.* ("Altieri") and U.S. 6,593,091 to Keys *et al.* ("Keys").

Applicants have canceled claims 170 and 175-201 by way of this amendment. Accordingly, Applicants submit that the rejection of claims 170 and 175-201 as obvious under 35 U.S.C. §§103(a) is rendered moot and request reconsideration of the rejection.

Rejections for non-statutory double patenting

The Examiner has maintained the rejection of claims 3, 5-16, 19-21, 23-38, 45-46, 48-52, 120-124 and 153-169 for allegedly being unpatentable over claims 1-11 of co-pending patent application Serial No. 11/272,124.

Claims 3, 5-16, 19-21, 23-38, 45-46, 48-52, 120-124 and 153-169 have been canceled during prosecution of this application. Accordingly, the rejection of these claims for obviousness-type double patenting has been rendered moot, and Applicants request reconsideration of the rejection.

### CONCLUSION

If there are remaining issues that the Examiner believes could be addressed by conducting an interview or entering an Examiner's Amendment, the Examiner is cordially invited to contact the undersigned to discuss such issues.

No fees are believed to be due in connection with this Amendment. However, the Director is authorized to charge any additional fees that may be required, or credit any overpayment, to Dechert LLP Deposit Account No. 50-2778 (Order No. 366929-018US (396515)).

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Respectfully submitted,

By Anna D. DiGabriele

Anna D. DiGabriele

Registration No.: 59,933

Dechert LLP

Customer No. 37509

P.O. Box 390460

Mountain View, CA 94039-0460

(212) 698-3500

(212) 698-3599 (Fax)

Attorneys/Agents For Applicant